

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NUMBER 1:17-CV-00184-CCE-LPA

BARRY HONIG, an individual,

Plaintiff,

v.

ROBERT LADD, an individual; **MGT CAPITAL INVESTMENTS, INC.**, a Delaware corporation; **TERI BUHL**, an individual; and **DOES 1-20**,

Defendants.

**DECLARATION OF
DARREN A. LAVERNE, ESQ.**

DARREN A. LAVERNE, ESQ., hereby declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, as follows:

1. I am a partner at the law firm of Kramer Levin Naftalis & Frankel LLP, counsel for defendants Robert Ladd and MGT Capital Investments, Inc. (“MGT”) in the above-captioned matter.
2. I submit this Declaration to provide the Court with documents pertinent to Mr. Ladd’s and MGT’s Motion to Dismiss the Complaint.
3. To the best of my knowledge, information, and belief, the exhibits to this Declaration are true and correct copies of the following documents:
4. Attached as Exhibit A is a copy of the Complaint in *Honig v. Buhl*, Case 1:16-cv-07477-PGG (S.D.N.Y.), filed on September 26, 2016 (ECF No. 1).

5. Attached as Exhibit B is a copy of the transcript of the pre-motion conference held on February 1, 2017 in *Honig v. Buhl*, Case 1:16-cv-07477-PGG (S.D.N.Y.) (ECF No. 31).

6. Attached as Exhibit C is a copy of the Complaint in *ATG Capital LLC, et al. v. MGT Capital Investments, Inc., et al.*, Case 1:17-cv-2440-AJN (S.D.N.Y.), filed on April 4, 2017 (ECF No. 1).

7. Attached as Exhibit D is a copy of the Current Report (Form 8-K) filed by MGT on October 5, 2016.

8. Attached as Exhibit E is a copy of Amendment No. 2 to Schedule 13G (Form SC 13G/A) filed by Barry Honig with respect to MGT on September 29, 2016.

9. Attached as Exhibit F is an excerpt of a copy of the Quarterly Report (Form 10-Q) filed by MGT on November 14, 2016, for the quarterly period ended September 30, 2016.

10. Attached as Exhibit G is an excerpt of a copy of the Annual Report (Form 10-K) filed by MGT on April 20, 2017, for the fiscal year ended December 31, 2016.

11. Attached as Exhibit H is an excerpt of a copy of the Enforcement Manual of the Securities and Exchange Commission – Division of Enforcement, dated October 28, 2016.

Dated: New York, New York
June 5, 2017

/s/ Darren A. LaVerne

Darren A. LaVerne*

KRAMER LEVIN NAFTALIS & FRANKEL
LLP
1177 Avenue of the Americas
New York, NY 10036
Telephone: (212) 715-9100
Facsimile: (212) 715-8000
dlaverne@kramerlevin.com
* LR 83.1(d) Special Appearance

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David E. Fox
N.C. State Bar No. 10332
MOORE & VAN ALLEN PLLC
100 North Tryon Street, Suite 4700.
Charlotte, NC 28202-4003
(919) 286-8069
davidfox@mvalaw.com

Charles J. Harder
Ryan J. Stonerock
HARDER, MIRELL & ABRAMS LLP
132 S. Rodeo Drive, Fourth Floor
Beverly Hills, CA 90212
charder@hmafirm.com
rstonerock@hmafirm.com

Attorneys for Plaintiff Barry Honig

I hereby certify that on this day, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) I sent by electronic means the foregoing document to the following.

Michael Tremonte
SHER TREMONTE
90 Broad Street, 23rd Floor
New York, NY 10004
mtremonte@shertremonte.com

Attorney for Defendant Teri Buhl

This 5th day of June, 2017.

/s/ Darren A. LaVerne
Darren A. LaVerne*

KRAMER LEVIN NAFTALIS & FRANKEL
LLP
1177 Avenue of the Americas
New York, NY 10036
Telephone: (212) 715-9100
Facsimile: (212) 715-8000
dlaverne@kramerlevin.com
* LR 83.1(d) Special Appearance